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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,101	12/01/2003	Tadahiro Ohmi	SUGI0137	5532
24203	7590	06/30/2005	EXAMINER	
GRIFFIN & Szipl, PC SUITE PH-1 2300 NINTH STREET, SOUTH ARLINGTON, VA 22204			LEUNG, JENNIFER A	
		ART UNIT	PAPER NUMBER	
			1764	

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/724,101	OHMI ET AL.
	Examiner Jennifer A. Leung	Art Unit 1764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 7-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 7-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 01 December 2003 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. 09/773,605.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/10/05, 7/19/04, 3/18/04.

- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Drawings

1. Figure 7 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: **WVG** (i.e., "reactor for generating moisture"; page 9, line 5; page 10, line 13+).
3. Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The disclosure is objected to because of the following informalities:
 - Page 4 (line 19): "passage 7a" should be changed to --passage 7--, as set forth on page 1, line 27 to page 2, line 2.
 - Page 8 (lines 10-13): FIG. 7 should be indicated as "Prior Art".
 - Page 12 (line 10): "ican" should be changed to -- can -- for proper grammatical form.
5. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware. Appropriate correction is required.

Claim Objections

6. Claim 7 is objected to because the phrase “mated for form” (line 6) should be changed to --mated to form--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 8-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 8, it is unclear as to the structural element that defines “an outside” of the heater (line 3). Likewise, it is unclear as to the structural element that defines “an outside” of the heater pressing plate (lines 3-4).

Regarding claims 9-12, 19 and 20, “said heat dissipation fins” lacks proper positive antecedent basis.

Regarding claims 13-16, it is unclear as to the structural limitation applicant is attempting to recite by, “said fins are axially symmetrical about said material gas supply joint” and “said fins are axially symmetrical about said moisture take-out joint”, as it is unclear as to what is meant by “axially symmetrical”.

Regarding claims 17 and 18, it is unclear as to the structural limitation applicant is attempting to recite by, “said fins are centrally symmetrical about the moisture take-out joint”, as it is unclear as to what is meant by “centrally symmetrical”.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmi et al. (EP 0 922 667) in view of Hishikari et al. (JP 63-138220).

Regarding claims 7 and 8, Ohmi et al. (FIGs. 8-10; sections [0035] to [0054]) discloses a reactor **1** for generating moisture, having an inlet side and an outlet side, comprising:

a first reactor structural component **2** on the inlet side of the reactor **1** having an outside wall, and a second reactor structural component **3** on the outlet side of the reactor **1** having an outside wall, wherein the first and second components **2,3** are mated for form a reactor shell having an interior space **1a**; (see figures);

a material gas supply passage **2c** provided in the first reactor structural component **2** disposed to supply material gases into the interior space **1a**; and a material gas supply joint **4** connected to the material gas supply passage **2c**; (see figures); and

a moisture gas outlet passage 3c provided in the second reactor structural component 3 to lead out moisture from the interior space 1a; and a moisture gas take-out joint 5 connected to the moisture gas outlet passage 3c; (see figures).

Ohmi et al. (section [0038]) further discloses,

“Reactor 1 is provided with *a heater* and, as necessary, *a cooling unit* so that if the reaction heat pushes up the temperature in the reactor in operation to over 500 °C (which rarely happens, though), the cooling unit will be activated to bring the temperature down below 500 °C.”

Ohmi et al. is silent as to a cooling unit comprising fin base plates attached to the outside walls of the first and second components 2,3 and a plurality of fins disposed on the fin base plates. Ohmi et al. is further silent as to a heater being disposed on the outside wall of the second component 3, including a heater pressing plate disposed on an outside of the heater, wherein the fin base plate is attached to an outside of the heater pressing plate.

Hishikari et al. (Figure; Abstract) teaches an apparatus comprising a heater 4 and a cooling unit for controlling the temperature of a chamber 1. The cooling unit comprises a fin base plate (i.e., not separately labeled; the portion of fins 7 adjacent to holding element 6) and a plurality of fins 7 disposed on the fin base plate. The heater 4 is disposed on the outside wall of the chamber 1, with a heater pressing plate (i.e., electronic cooling element 5) disposed on the outside of the heater 4, and the fin base plate/fins 7 attached on the outside of the heater pressing plate 5.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to substitute the heater and cooling unit of Hishikari et al. for the heater and cooling unit in the apparatus of Ohmi et al., on the basis of suitability for the intended use and absent

showing any unexpected results thereof, because the substitution of known equivalent structures for providing the same function of heating and cooling involves only ordinary skill in the art. *In re Fout* 213 USPQ 532 (CCPA 1982); *In re Susi* 169 USPQ 423 (CCPA 1971); *In re Siebentritt* 152 USPQ 618 (CCPA 1967); *In re Ruff* 118 USPQ 343 (CCPA 1958). It would have also been obvious for one of ordinary skill in the art at the time the invention was made to provide the heater and cooling unit of Hishikari et al. on both the outside walls of the first and the second component 2, 3 in the apparatus of Ohmi et al., on the basis of suitability for the intended use and absent showing any unexpected results thereof, because the duplication of part was held to have been obvious. *St. Regis Paper Co. v. Beemis Co. Inc.* 193 USPQ 8, 11 (1977); *In re Harza* 124 USPQ 378 (CCPA 1960).

9. Claims 9-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmi et al. (EP 0 922 667) in view of Hishikari et al. (JP 63-138220), as applied to claims 7 and 8 above, and further in view of Nelson et al. (US 3,180,404).

Regarding claims 9-12, the collective teaching of Ohmi et al. and Hishikari et al. is silent as to the heat dissipation fins being disposed symmetrically about the material gas supply joint 4 and the moisture gas take-out joint 5. Nelson et al. (FIG. 1-4; column 1, line 70 to column 2, line 23) teaches a plurality of parallel, spaced heat dissipation fins 22 being disposed symmetrically about a central location (i.e., at opening 24) located on the fin base plate 21. It would have been obvious for one of ordinary skill in the art at the time the invention was made to dispose the heat dissipation fins symmetrically about the material gas supply joint 4 and the moisture gas take-out joint 5 in the modified apparatus of Ohmi et al., on the basis of suitability for the intended use and absent showing any unexpected results thereof, because disposing the fins according to such

a configuration provides for an even distribution of heat and for an equal heat transfer effect irrespective of the direction of coolant flow from end to end of the finned structure, as taught by Nelson, et al. (column 2, lines 13-23).

Regarding claims 13-16, the collective teaching of Ohmi et al. and Hishikari et al. is silent as to the fins being disposed axially symmetrical about the material gas supply joint **4** and the moisture take-out joint **5**. Nelson et al. (FIG. 1-4; column 1, line 70 to column 2, line 23) teaches a plurality of parallel, spaced heat dissipation fins **22** being disposed axially symmetrically about a central location (i.e., at opening **24**) located on the fin base plate **21**. It would have been obvious for one of ordinary skill in the art at the time the invention was made to dispose the fins axially symmetrical about the material gas supply joint **4** and the moisture gas take-out joint **5** in the modified apparatus of Ohmi et al., on the basis of suitability for the intended use and absent showing any unexpected results thereof, because disposing the fins according to such a configuration provides for an even distribution of heat and for an equal heat transfer effect irrespective of the direction of coolant flow from end to end of the finned structure, as taught by Nelson, et al. (column 2, lines 13-23).

Regarding claims 17 and 18, the collective teaching of Ohmi et al. and Hishikari et al. is silent as to the fins being disposed centrally symmetrical about the moisture take-out joint **5**. Nelson et al. (FIG. 1-4; column 1, line 70 to column 2, line 23) teaches a plurality of parallel, spaced heat dissipation fins **22** being disposed centrally symmetrically about a central location (i.e., at opening **24**) located on the fin base plate **21**. It would have been obvious for one of ordinary skill in the art at the time the invention was made to dispose the fins centrally symmetrical about the moisture take-out joint **5** in the modified apparatus of Ohmi et al., on the

basis of suitability for the intended use and absent showing any unexpected results thereof, because disposing the fins according to such a configuration provides for an even distribution of heat and for an equal heat transfer effect irrespective of the direction of coolant flow from end to end of the finned structure, as taught by Nelson, et al. (column 2, lines 13-23).

10. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ohmi et al. (EP 0 922 667) in view of Hishikari et al. (JP 63-138220), as applied to claims 7 and 8 above, and further in view of Asanuma et al. (US 4,369,838).

The collective teaching of Ohmi et al. and Hishikari et al. is silent as to the heat dissipation fins comprising surfaces treated with alumite.

Asanuma et al. teaches heat dissipation fins comprising surfaces treated with alumite (i.e., by subjecting the fins to a sulfuric acid alumite-black dying treatment; column 5, lines 5-45).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to treat the surfaces of the heat dissipation fins with alumite in the modified apparatus of Ohmi et al., on the basis of suitability for the intended use, because subjecting the surfaces of the fins to a sulfuric acid alumite-black dying treatment improves the heat releasing efficiency of the fins, in comparison to uncolored fins, as taught by Asanuma et al.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA

1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

11. Claims 7 and 8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of copending Application No. 09/905,209 in view of Hishikari et al. (JP 63-138220). This is a provisional obviousness-type double patenting rejection.

Copending Application '209 substantially claims the instantly claimed apparatus, said apparatus comprising a reactor structural component on the inlet side and a reactor structural component on the outlet side, wherein the reactor structural components are mated to form a reactor shell having an interior space; a gas feed (i.e., material gas supply) port engaged with the reactor structural component on the inlet side; a moisture take out port engaged with the reactor structural component on the outlet side. (see claims 1, 3). In particular, Application '209 claims, "a cooler for cooling said reactor shell" wherein "said cooler is cooling fins fixed on the outer surface of the reactor shell." (see claims 11 and 12). Also, Application '209 claims, "a temperature regulator for heating and maintaining the temperature at a specific level; and wherein said temperature regulator is provided on the outside walls of said reactor structural component on the inlet side and said reactor structural component on the outlet side." (see claim 10). Application '209 is silent as to specific structure of the fins and heater as instantly recited in

claims 7 and 8. Hishikari et al., however, teaches the recited structure of the fins and heater, (the same comments of Hishikari et al. apply). It would have been obvious for one of ordinary skill in the art at the time the invention was made to substitute the heater and cooling unit of Hishikari et al. for the temperature regulator and cooler, respectively, in the apparatus of Application '209, on the basis of suitability for the intended use and absent showing any unexpected results thereof, because the substitution of known equivalent structures for providing the same function of heating and cooling involves only ordinary skill in the art. *In re Fout* 213 USPQ 532 (CCPA 1982); *In re Susi* 169 USPQ 423 (CCPA 1971); *In re Siebentritt* 152 USPQ 618 (CCPA 1967); *In re Ruff* 118 USPQ 343 (CCPA 1958).

12. Claims 9-18 provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of copending Application No. 09/905,209 in view of Hishikari et al. (JP 63-138220), as applied to claims 7 and 8 above, and further in view of Nelson et al. (US 3,180,404). This is a provisional obviousness-type double patenting rejection.

The collective teaching of Application '209 and Hishikari et al. is silent as to claiming the instantly recited symmetrical fin configurations of claims 9-18. Nelson et al., however, teaches the recited symmetrical fin configurations, (the same comments of Nelson et al. apply). It would have been obvious for one of ordinary skill in the art at the time the invention was made to dispose the fins according to the recited symmetrical fin configurations in the modified apparatus of Application '209, on the basis of suitability for the intended use and absent showing any unexpected results thereof, because disposing the fins according to such configurations provide for an even distribution of heat and for an equal heat transfer effect irrespective of the direction

of coolant flow from end to end of the finned structure, as taught by Nelson, et al. (column 2, lines 13-23).

13. Claims 19 and 20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-12 of copending Application No. 09/905,209 in view of Hishikari et al. (JP 63-138220), as applied to claims 7 and 8 above, and further in view of Asanuma et al. (US 4,369,838). This is a provisional obviousness-type double patenting rejection.

The collective teaching of Application '209 and Hishikari et al. is silent as to claiming the fins comprising surfaces treated with alumite. Asanuma et al. teaches fins comprising surfaces treated with alumite, (the same comments of Asanuma et al. apply). It would have been obvious for one of ordinary skill in the art at the time the invention was made to treat the surfaces of the heat dissipation fins with alumite in the modified apparatus of Application '209, on the basis of suitability for the intended use, because subjecting the surfaces of the fins to a sulfuric acid alumite-black dying treatment improves the heat releasing efficiency of the fins, in comparison to uncolored fins, as taught by Asanuma et al.

14. Claims 7 and 8 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3-13 of copending Application No. 10/884,917 in view of Hishikari et al. (JP 63-138220). This is a provisional obviousness-type double patenting rejection.

Copending Application '917 substantially claims the instantly claimed apparatus, said apparatus comprising a reactor structural component on the inlet side and a reactor structural component on the outlet side, wherein the reactor structural components are mated to form a

reactor shell having an interior space; a gas feed (i.e., material gas supply) port engaged with the reactor structural component on the inlet side; a moisture take out port engaged with the reactor structural component on the outlet side. (see claim 3). In particular, Application '917 claims, "a cooler for cooling said reactor shell" wherein "said cooler is cooling fins fixed on the outer surface of the reactor shell." (see claims 11 and 12). Also, Application '917 claims, "a temperature regulator for heating and maintaining the temperature at a specific level; and wherein said temperature regulator is provided on the outside walls of said reactor structural component on the inlet side and said reactor structural component on the outlet side." (see claim 10). Application '917 is silent as to specific structure of the fins and heater as instantly recited in claims 7 and 8. Hishikari et al., however, teaches the recited structure of the fins and heater, (the same comments of Hishikari et al. apply). It would have been obvious for one of ordinary skill in the art at the time the invention was made to substitute the heater and cooling unit of Hishikari et al. for the temperature regulator and cooler, respectively, in the apparatus of Application '917, on the basis of suitability for the intended use and absent showing any unexpected results thereof, because the substitution of known equivalent structures for providing the same function of heating and cooling involves only ordinary skill in the art. *In re Fout* 213 USPQ 532 (CCPA 1982); *In re Susi* 169 USPQ 423 (CCPA 1971); *In re Siebentritt* 152 USPQ 618 (CCPA 1967); *In re Ruff* 118 USPQ 343 (CCPA 1958).

15. Claims 9-18 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3-13 of copending Application No. 10/884,917 in view of Hishikari et al. (JP 63-138220), as applied to claims 7 and 8 above, and further in view of Nelson et al. (US 3,180,404). This is a provisional obviousness-

type double patenting rejection.

The collective teaching of Application '917 and Hishikari et al. is silent as to claiming the instantly recited symmetrical fin configurations of claims 9-18. Nelson et al., however, teaches the recited symmetrical fin configurations, (the same comments of Nelson et al. apply). It would have been obvious for one of ordinary skill in the art at the time the invention was made to dispose the fins according to the recited symmetrical fin configurations in the modified apparatus of Application '917, on the basis of suitability for the intended use and absent showing any unexpected results thereof, because disposing the fins according to such configurations provide for an even distribution of heat and for an equal heat transfer effect irrespective of the direction of coolant flow from end to end of the finned structure, as taught by Nelson, et al. (column 2, lines 13-23).

16. Claims 19 and 20 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of copending Application No. 10/884,917 in view of Hishikari et al. (JP 63-138220), as applied to claims 7 and 8 above, and further in view of Asanuma et al. (US 4,369,838). This is a provisional obviousness-type double patenting rejection.

The collective teaching of Application '917 and Hishikari et al. is silent as to claiming the fins comprising surfaces treated with alumite. Asanuma et al. teaches fins comprising surfaces treated with alumite, (the same comments of Asanuma et al. apply). It would have been obvious for one of ordinary skill in the art at the time the invention was made to treat the surfaces of the heat dissipation fins with alumite in the modified apparatus of Application '917, on the basis of suitability for the intended use, because subjecting the surfaces of the fins to a sulfuric acid

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alumite-black dying treatment improves the heat releasing efficiency of the fins, in comparison to uncolored fins, as taught by Asanuma et al.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Parnes is provided to further illustrate the state of the art.

* * *

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Leung whose telephone number is (571) 272-1449. The examiner can normally be reached on 8:30 am - 5:30 pm M-F, every other Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn A. Calderola can be reached on (571) 272-1444. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jennifer A. Leung
June 22, 2005

Hien Tran
HIEN TRAN
PRIMARY EXAMINER